

## **REMARKS**

### **Specification and Drawings**

The Office Action objected to the drawings as not showing every feature of the invention specified in the claims, and in claim 10, in particular. Page 5 of the specification and FIG. 1 have been amended as discussed in greater detail below. No new matter has been added by way of these amendments.

The Examiner objects to the drawings, saying that "the outwardly facing surface of the second covering facilitating sliding of the door thereover during the hinged movement of the door (as recited in claim 10, lines 17 - 19) must be shown or the features cancelled from the claims".

The feature referred to here in claim 10 is particularly discussed in the first paragraph on page 5 of the specification. As shown in Figure 1 of the drawings, the rear door of the vehicle is hinged at its leading edge (that is, this leading edge is hinged to the "B" door pillar of the vehicle). Similarly, of course, the leading edge of the front door (the driver's door) is hinged to the "A" pillar of the vehicle - though this particular door has been omitted from Figure 1 for reasons of clarity. The sealing strip described and claimed is fitted around the frame of each door opening. Therefore, when each door is hingedly closed, the approaching door periphery will squash the tubular sealing part of the sealing strip, thus providing a weather seal. Around much of the door frame, the approaching door will approach the tubular sealing part in a direction approximately perpendicular to the plane of the door opening. However, along the hinged leading edge of the door, and in regions adjacent to this edge, the surface of the door periphery will approach the surface of the tubular sealing part *at a more oblique angle*. Therefore, there will be a tendency for the closing door, in the region of this edge, to *push the tubular sealing part sideways*, thus preventing proper sealing and possibly damaging the sealing part. The invention of claim 10 *avoids this possibility*, because of the relatively low coefficient of friction of the second covering - which allows the obliquely presenting hinged edge of the door to slide or slip easily over the sealing part – and thus *without* tending to push it sideways.

In view of the amendments made to page 5 of the specification, it is believed that all the elements of claim 10 (as amended) are shown in the drawings. Accordingly, it is respectfully requested that the objection be withdrawn.

Pending Claims

Claims 1, 2, 4 - 6 and 8 - 10 are pending in the application, claims 1, 9 and 10 having been amended in this Response to more clearly define and describe the invention.

Claims 1, 4, 5, 6, 8 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Iwasa, U.S. Patent 5,123,988 ("Isawa '988 patent").

Claims 1 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Isawa '988 patent in view of Iwasa, U.S. Patent 5,143,772 ("Isawa '772 patent").

These claim rejections are respectfully traversed. Reconsideration is respectfully requested in view of the claim amendments and the remarks herein.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1, 4, 5, 6, 8 and 10 have been rejected as being anticipated by the Iwasa '988 patent.

The Iwasa '988 patent shows a weather seal having the solid rubber base 3 integrally extruded with a sponge rubber tubular portion 5 - see Figures 2 and 3, in particular. Over a portion of the surface of the solid rubber portion 3, an "adhesive layer" 7 is extruded which is then vulcanised to the main solid rubber part 3. Then, a long narrow strip of cloth 9, which has previously been lined with a second adhesive layer 8, is pressure-bonded to the first adhesive layer 7.

Figure 2 shows an initial stage in the method, in which the solid rubber part 3 is generally flat. Thereafter, after the application of the cloth layer 9 onto the adhesive layers 7, 8 (*see*

col. 4, line 10 *et seq.*), the generally flat solid rubber portion 3 can be bent into U or channel-shape form (*see* col. 4. lines 51-55), such as shown in Figure 3.

It will be apparent from a study of Figures 2 and 3, and also of Figures 5, 6 and 7 that the *adhesively secured cloth strip 9 does not appear to extend onto the outside surface of the foamed or sponge rubber portion*. The applicant specifically notes, however, that Figure 2 is unclear with regard to the placement of the cloth strip 9. Insofar as Figure 2 may be interpreted as the cloth strip 9 extending to a minimal extent along the foamed or sponge rubber portion, this interpretation appears to be *refuted* by Figure 3.

The Examiner, however, refers in particular to Figure 4 of the Iwasa '988 patent. In Figure 4, the cloth layer 9 is shown as extending over the outside surface of the sponge rubber part 5. This is certainly odd because there is absolutely no indication in the other drawings, or in the accompanying description, that any means of securing the cloth 9 to the surface of the sponge rubber portion (such as the adhesive layers 7, 8) is provided.

In the invention, a soft sealing part of hollow tubular form made of extruded flexible thermoplastic elastomer presenting an outwardly facing surface of open-cell foamed form is covered with a first thin covering made of closed-cell material which is extruded over the outwardly facing surface to close off the open-cell form thereof. Claim 1 has been amended to emphasise that this first thin covering is extruded over and onto substantially the whole of the outwardly facing surface of the tubular sealing part. This clearly thus distinguishes claim 1 from any suggestion that Figure 2 of the Iwasa '988 patent shows a small portion of the adhesive layer 7 (or 8) extending onto a minimal region of the sponge rubber part 5.

Also in accordance with claim 1, a second, thin covering is then extruded onto the outwardly facing surface of the first covering, the second covering presenting an outwardly facing surface having a lower coefficient of friction than the coefficient of friction of the first thin covering. Again, claim 1 has been amended to make clear that the second thin covering is extruded over and onto substantially the whole of the outwardly facing surface of the first covering, again thus distinguishing claim 1 from any possible suggestion in Figure 2 of the Iwasa '988 patent that the cloth strip 9 extends onto more than a minimal region of the sponge rubber part 5.

It is thus clear that amended claim 1 is clearly distinguished over the disclosure of Figures 2, 3 and 5 - 9 of the Iwasa '988 patent - because claim 1 makes clear that the two coverings extend over and onto substantially the whole of the outwardly facing surface of the soft sealing part.

Amended claim 1 is also distinguished over Figure 4 of the Iwasa '988 patent. Figure 4 of the Iwasa '988 patent is confusing and unclear. Nevertheless, it certainly does not disclose the use of two separate coverings extruded over the outside surface of the sponge rubber part 5. All it discloses is the application of a *cloth* layer over the outside of the sponge rubber portion - obviously, the cloth layer is clearly not extruded. Because only a cloth layer over the outside of the sponge rubber portion 5 is shown, it is also clear that Figure 4 does not disclose the provision of an outer layer over the sponge rubber portion having a lower coefficient of friction than an inner layer thereover, as claimed in the pending claims.

In addition to these distinctions, it is also pointed out that claim 1 requires the soft sealing part of hollow tubular form to be made of extruded flexible *thermoplastic elastomer* material.

In view of the foregoing remarks, it is respectfully submitted that claim 1 as amended is patentably distinguished over the Iwasa '988 patent.

Claim 9 has been amended in similar fashion to claim 1. It is believed that the remarks made above apply also to amended claim 9 and do not need to be repeated. Claim 9 is therefore patentably distinguished over the Iwasa '988 patent.

Similarly, amendments have been made to claim 10 corresponding to those made to claims 1 and 9. Again, these amendments are not believed to need separate discussion. Therefore, again, it is believed that claim 10, as amended, is patentably distinguished over the Iwasa '988 patent.

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner rejects claims 2 and 9 under 35 U.S.C. §103(a) as being unpatentable over the Iwasa '988 patent in view of the Iwasa '772 patent.

Claim 2 is dependent on claim 1 and includes all its limitations. For the reasons stated above, claim 1 is patentably distinguished over the Iwasa '988 patent. For the reasons already argued in the Response to the previous Office Action (see the middle paragraph on page 9 of that Response), claim 1 is clearly patentably distinguished over the Iwasa '772 patent. It must therefore follow that claim 2, being dependent on claim 1, is likewise patentably distinguished.

The Examiner says that it would be obvious from the Iwasa '772 patent to provide a second coating of plastic or rubber material. However, as argued in the previous Response, the second layer in the Iwasa '772 patent is a "finishing coating layer," such as a decorative layer. There is no suggestion that the second layer should have a lower coefficient of friction than the first layer. More particularly, though, it is not seen how any meaningful combination could be made of the disclosures of the Iwasa '988 and Iwasa '772 patents. As already explained, the Iwasa '988 patent shows only one layer (the cloth) extending over the outer surface of the sponge rubber. It is not clear where or how the "second coating" alleged to be disclosed in the Iwasa '772 patent could be added to the cloth covering of the Iwasa '988 patent.

Claim 9 is an independent method claim which has been amended in line with the amendments made to claim 1. For the reasons already stated, amended claim 9 is patentably distinguished over the Iwasa '988 patent. The reasons why claim 9 is patentably distinguished over the Iwasa '772 patent have been extensively argued in the previous Response (again, see the middle paragraph of its page 9). For those reasons, the teaching of the Iwasa '772 patent could not be combined with that of the Iwasa '988 patent in any meaningful way which would adversely affect the patentability of claim 9. In fact, for the reasons stated in the previous Response, any attempt at a combination of the Iwasa '988 patent with the Iwasa '772 patent would emphasize the patentability of the invention of claim 9. The Iwasa '772 patent uses two layers to produce a decorative outer surface by adhesive

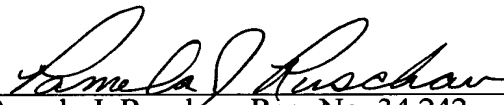
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action. The invention is concerned with closing off open cells of foamed thermoplastic elastomer and producing a low-friction outer surface. It is therefore believed clear that amended claim 9 is patentably distinguished over the Iwasa '988 patent in view of the Iwasa '722 patent.

Conclusions

In view of the foregoing remarks, claims 1, 2, 4 - 6, and 8 - 10, for the reasons stated, are all believed to be allowable over the cited art. Therefore, the application is considered to be in good and proper format for allowance, and the Examiner is respectfully requested to pass the application to issue. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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